IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14847 of 2005

Between:

Penumatsa Narasimha Raju S/o Sri Sitarama Raju
R/o Tallarevu Vilalge & mandal, East Godavari District

..... PETITIONER

AND

1 Andhra Jateeya Vidya Parishad,

rep., by Assistant Commissioner & Executive Officer,
Machilipatnam, Krishna District
2 The Deputy Commissioner of Endowments,

Ramaraopeta, Kakinada 533-504

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of 1st respondent in issuing the auction notice dt 01-07-2005 fixing the date of auction as 10-07-2005 without following the procedure contemplated under the act by issuing a notice to the petitioner and after commencement of agriculture year and planting of seeds beds in respect of land admeasuring ac.9-04 cts in Sy. No. 13 of Tallarevu Village and Mandal, East Godavari District as arbitrary, unjust and opposed to law.

Counsel for the Petitioner: Mr. ERANKI.PHANI KUMAR

Counsel for the Respondent No.1 Ms. N.INDRANI.

Counsel for the Respondent No.2 : GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

ORDER:

The petitioner claims to have been a tenant of the lands belonging to the 1st respondent-Andhra Jateeya Vidya Parishad, an Endowments institution, in an extent of Ac.14.04 cents of wet land in RS.No.13 of Tallarevu village. His father was the initial lessee and on his death, on 03-12-1991, the petitioner claims to have been recognized as a lessee and is continuing the lease since then. On 26-04-2003, a notice under Rule 5(1) of the A.P.Charitable and Hindu Religious Institutions and Endowments Rules, 2003 (for brevity, "the Rules") was received by the petitioner intimating the termination of the lease and called upon him to deliver possession of the schedule land, within thirty days, to the 1st respondent.

On 19-08-2003 the 1st respondent again issued a notice (proposing auction of the lands), which was successfully resisted by the petitioner on technicalities. He filed a Writ Petition No.14671 of 2003 against the auction notice, dated 19-08-2003. In the said Writ Petition, an interim order was initially passed and the Writ Petition itself was disposed of on 13-08-2003 along with a batch of other similar Writ Petitions directing that if there is any standing crop in the land, in question, the respondent may consider the request of the cultivating tenants to permit them to continue in possession, till the crop is harvested, subject to furnishing an undertaking by the cultivating tenant that they would hand over peaceful possession within a time mutually agreed.

2. The petitioner states that even after the disposal of the Writ Petition by the judgment, dated 13-08-2003, he continued to cultivate the lands without any let or hindrance.

3. Now, it appears, the 1st respondent issued an auction notification on 01-07-2005 intimating auction for lease for a period of three years. The petitioner now claims that he has made investments for the current crop season and therefore the auction should again be interdicted. The petitioner, despite clear notice of disentitlement to

any rights in the lands, is squatting on the land since 2003, on one plea or the other, and depriving the 1st respondent-endowment institution of a fair return for the lease of its lands. If the petitioner had made any investments for the current crop season, such investments are without a scintilla of any legitimate expectation and fully conscious of the fact that he has no entitlement to continue on the lands.

4. Having regard to the fact that admittedly the petitioner is cultivating an extent of more than Ac.5-00 cents (even it was presumed that the land is dry land), the petitioner cannot be considered to be a landless poor person. He is not entitled to any of the benefits under Section 82 of the Act. His lease stood determined with effect from the year, 1987 by operation of Section 82 of the Act.

5. On the aforesaid facts and circumstances, the Writ Petition is misconceived. The challenge by the petitioner to the impugned notice, dated 01-07-2005, does not merit any consideration.

6. The Writ Petition is accordingly dismissed.

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(GODA RAGHURAM,J)

11th July, 2005.

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To

1 The Assistant Commissioner & Elecutive Officer,

Andhra Jateeya Vidya Parishad,

Machilipatnam,

Krishna District.

2 The Deputy Commissioner of Endowments,

Ramaraopeta,

Kakinada 533-504.

3 Two CCs to the GP for Endowments,

High Court of A.P., Hyderabad (O.U.T.)

4 Two CD copies.